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EXAMINER	
SANTIAGO CORDERO, MARIVELISSE	
ART UNIT	**PAPER NUMBER**
2687	

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/727,942	HARTMAIER, PETER J.	
	Examiner	Art Unit	
	Marivelisse Santiago-Cordero	2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 December 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *29-44* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *29-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-28 were cancelled. Claims 29-44 were newly added.

Response to Arguments

2. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

However, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., against at least a portion of the profiles of the mobile communication devices operating on the CDMA network) (See Remarks: page 9, lines 18-19) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Furthermore, since some of the references still apply, in response to applicant's arguments that the IRGS between the CDMA system and the GSM system in Ahn does not emulate a home location register (HLR) at an interconnection to check destination information in a message against at least a portion of the profiles of the mobile communication devices operating on the CDMA network, the Examiner respectfully disagrees. Ahn in page 2, paragraph [0031] discloses that the IRGS 300 functions as the HLR to manage the profiles of the GSM subscribers from the viewpoint of the CDMA system 100 and vice versa; hence, emulating a home location register (HLR) at an interconnection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 29-30, 33, 38-39, and 41-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Ahn et al. (hereinafter "Ahn"; Pub. No.: US 2002/0061745; cited in IDS filed on 5/12/2004).

Regarding claim 29, Ahn discloses a method to send a message from a first mobile communication device in a first wireless network to a second mobile communication device in a second wireless network (Figs. 10-11), the method comprising:

emulating a home locator register (HLR) at an interconnection coupled between the first and the second wireless networks to store profiles of a plurality of mobile communication devices operating on the second wireless network (page 2, paragraph [0031]) and to check destination information in the message against at least a portion of the profiles (page 2, paragraph [0031]; note that the IRGS 300 functions as the HLR to manage the profiles of the GSM subscribers from the viewpoint of the CDMA system 100 and vice versa; page 7, paragraphs [0119]-[0122]); and sending the message to the second wireless network if the destination information is valid (page 7, paragraphs [0119]-[0122]; note that the recipient mobile device receives the message, hence, the destination number must have been valid in order for it to receive it).

Regarding claim 30, Ahn discloses the method of claim 29, further comprising:

emulating a mobile switch center (MSC) at the interconnection to translate the message from a first format compatible with the first wireless network directly into a second format compatible with the second wireless network if the destination information is valid (page 2, paragraph [0030]; page 7, paragraph [0122]).

Regarding claim 33, Ahn discloses the method of claim 30, wherein the sending the message to the second wireless network comprises: using the emulated MSC to transmit the message to the second wireless network (page 7, paragraph [0122]).

Regarding claim 38, Ahn discloses a wireless communication system (Figs. 10-11) comprises:

a first wireless network (Figs. 10-11, either one of CDMA or GSM system), and

an interconnection coupling the first wireless network to a second wireless network (Figs. 10-11), the interconnection operable to emulate a home locator register (HLR) to store profiles of a plurality of mobile communication devices operating on the second wireless network (page 2, paragraph [0031]) and to check destination information in a message from the first wireless network against at least a portion of the profiles stored page 2, paragraph [0031]; note that the IRGS 300 functions as the HLR to manage the profiles of the GSM subscribers from the viewpoint of the CDMA system 100 and vice versa; page 7, paragraphs [0119]-[0122]), the interconnection being further operable to emulate a message switch center (MSC) to send the message to the second wireless network if the destination information is valid (page 7, paragraphs [0119]-[0122]; note that the recipient mobile device receives the message, hence, the destination number must have been valid in order for it to receive it).

Regarding claim 39, Ahn discloses the wireless communication system of claim 38 (see above) wherein the MSC is operable to translate the message from a first format compatible with the first wireless network directly into a second format compatible with the second wireless network (page 2, paragraph [0030]; page 7, paragraph [0122]).

Regarding claim 41, Ahn discloses the wireless communication system of claim 38 (see above). Ahn fails to disclose wherein the HLR is operable to send a validity response to the first wireless network if the destination information is valid.

However, the Examiner takes Official Notice of the fact that it was notoriously well known in the art at the time the invention was made to send a validity response to the first wireless network if the destination information is valid because it would acknowledge, among other things, the successful or unsuccessful transmission/receipt of the message, an indication of a delivery attempt, thus giving the originating station information regarding the status of the communication. Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to operate the HLR of Ahn to send a validity response to the first wireless network if the destination information is valid because, as stated above, would acknowledge, among other things, the successful or unsuccessful transmission/receipt of the message, an indication of a delivery attempt, thus, giving the originating station information regarding the status of the communication.

Regarding claim 42, Ahn discloses the wireless communication system of claim 28, wherein the first wireless network is a Global System for Mobile Communications (GSM) network and the second wireless network is a Code Division Multiple Access (CDMA) network (page 7, paragraphs [0119]-[0122]).

Regarding claim 43, Ahn discloses a machine-accessible medium that stores instructions (note that Ahn inherently has this given that the reference shows a process, the process would be implemented by a processor that requires a machine-accessible medium, e.g., a RAM, to function) that, if executed by a processor, will cause said processor to perform operations comprising:

Receiving a message from a first wireless network at an interconnection to a second wireless network (Figs. 10-11);

emulating a home locator register (HLR) at an interconnection to store profiles of a plurality of mobile communication devices operating on the second wireless network (page 2, paragraph [0031]) and to check destination information in the message against at least a portion of the profiles at the interconnection (page 2, paragraph [0031]; note that the IRGS 300 functions as the HLR to manage the profiles of the GSM subscribers from the viewpoint of the CDMA system 100 and vice versa; page 7, paragraphs [0119]-[0122]); and transmitting the message to the second wireless network from the interconnection if the destination information is valid (page 7, paragraphs [0119]-[0122]; note that the recipient mobile device receives the message, hence, the destination number must have been valid in order for it to receive it).

Regarding claim 44, Ahn discloses the machine-accessible medium of claim 43, wherein the operations further comprise: emulating a mobile switch center (MSC) at the interconnection to translate the message into a format compatible with the second wireless network if the destination information is valid in the second wireless network (page 2, paragraph [0030]; page 7, paragraph [0122]).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 31, 34-37, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahn in view of Sawyer et al. (hereinafter "Sawyer"; Patent No.: 5,946,629 cited in form PTO-892, paper no. 20050902).

Regarding claim 31, Ahn discloses the method of claim 30 (see above). Ahn fails to disclose wherein emulating the MSC to translate the message comprises: extracting a plurality of parameters from the message and constructing a second message in the second format using the plurality of parameters.

However, in the same field of endeavor, Sawyer discloses wherein emulating the MSC to translate the message comprises: extracting a plurality of parameters from the message (Fig. 3, reference numerals 114, 124, 134, or 144); and constructing a second message in the second format using the plurality of parameters (Fig. 3, reference numerals 116, 126, 136, or 146).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to incorporate, in emulating the MSC to translate the message of Ahn, extracting a plurality of parameters from the message and constructing a second message in the second format using the plurality of parameters as suggested by Sawyer.

One of ordinary skill in this art would have been motivated to incorporate, in emulating the MSC to translate the message, extracting a plurality of parameters from the message and constructing a second message in the second format using the plurality of parameters because it would reformat the message in any format necessary for transmission (Sawyer: col. 2, lines 23-26; col. 6, lines 47-50), and would increase the capabilities of the network components.

Regarding claim 34, Ahn discloses a network interconnection (Figs. 10-11) comprising: a home location register (HLR) to check destination information in the message from the first wireless network against at least a portion of profiles of a plurality of mobile communication devices operating on the second wireless network (Figs. 10-11; page 2, paragraph [0031]; note that the IRGS 300 functions as the HLR to manage the profiles of the GSM subscribers from the viewpoint of the CDMA system 100 and vice versa; page 7, paragraphs [0119]-[0122]); and a mobile switching center (MSC) to translate the message from a first format compatible with the first wireless network to a second format compatible with the second wireless network (page 2, paragraph [0030]; page 7, paragraph [0122]) and to transmit the translated message to the second wireless network if the destination information is valid (page 2, paragraph [0030]; page 7, paragraph [0122]; note that the recipient mobile device receives the message, hence, the destination number must have been valid in order for it to receive it).

Ahn fails to disclose using a plurality of parameters extracted from the message.

However, in the same field of endeavor, Sawyer discloses translate the message from a first format compatible with the first wireless network to a second format compatible with the second wireless network (Fig. 3, reference numerals 116, 126, 136, or 146) using a plurality of parameters extracted from the message (Fig. 3, reference numerals 114, 124, 134, or 144).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to translate the message of Ahn using a plurality of parameters extracted from the message as suggested by Sawyer.

One of ordinary skill in this art would have been motivated to translate the message using a plurality of parameters extracted from the message because it would reformat the message in any format necessary for transmission (Sawyer: col. 2, lines 23-26; col. 6, lines 47-50), and would increase the capabilities of the network components.

Regarding claim 35, in the obvious combination, Ahn fails to disclose wherein the HLR is operable to send a validity response to the first wireless network if the destination information is valid.

However, the Examiner takes Official Notice of the fact that it was notoriously well known in the art at the time the invention was made to send a validity response to the first wireless network if the destination information is valid because it would acknowledge, among other things, the successful or unsuccessful transmission/receipt of the message, an indication of a delivery attempt, thus giving the originating station information regarding the status of the communication. Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to operate the HLR of Ahn/Sawyer to send a validity response to the first wireless network if the destination information is valid because, as stated above, would

acknowledge, among other things, the successful or unsuccessful transmission/receipt of the message, an indication of a delivery attempt, thus, giving the originating station information regarding the status of the communication.

Regarding claim 36, in the obvious combination, Ahn discloses wherein the HLR is operable as a firewall between the first and second wireless networks (page 2, paragraph [0031]; page 7, paragraphs [0119]-[0122]; note that according to Applicant's specification (page 16, paragraph [0039]), the interconnection can be used as a firewall **since the HLR can check the destination number of the message**; procedure which is disclosed by Ahn).

Regarding claim 37, in the obvious combination, Ahn discloses wherein the first wireless network is a Global System for Mobile Communications (GSM) network and the second wireless network is a Code Division Multiple Access (CDMA) network (page 7, paragraphs [0119]-[0122]).

Regarding claim 40, Ahn discloses the wireless communication system of claim 39 (see above) wherein the MSC is operable to translate the message (page 2, paragraph [0030]; page 7, paragraphs [0119]-[0122]).

Ahn fails to disclose wherein the MSC is operable to extract a plurality of parameters form the message and use the plurality of parameters to translate the message.

However, in the same field of endeavor, Sawyer discloses wherein the MSC is operable to extract a plurality of parameters from the message (Fig. 3, reference numerals 114, 124, 134, or 144); and use the plurality of parameters to translate the message (Fig. 3, reference numerals 116, 126, 136, or 146).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to operate the MSC of Ahn to extract a plurality of parameters form the message and use the plurality of parameters to translate the message as suggested by Sawyer.

One of ordinary skill in this art would have been motivated to operate the MSC to extract a plurality of parameters form the message and use the plurality of parameters to translate the message because it would reformat the message in any format necessary for transmission (Sawyer: col. 2, lines 23-26; col. 6, lines 47-50), and would increase the capabilities of the network components.

8. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ahn in combination with Sawyer (hereinafter "Ahn/Sawyer") as applied to claim 31 above, and further in view of Chesnais et al (Pub. No.: US 2002/0087704, cited in form PTO-892, paper no. 20050902).

Regarding claim 32, Ahn/Sawyer discloses the method of claim 31 (see above). Ahn/Sawyer fail to disclose wherein the plurality of parameters comprises delivery priority.

However, Chesnais, in a method wherein translating a message comprises: extracting a plurality of parameters from the message and constructing a second message in a second format using the plurality or parameters, discloses wherein the plurality of parameters comprises delivery priority (page 4, paragraph [0041]).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to comprise in the plurality of parameters of Ahn/Sawyer delivery priority as suggested by Chesnais.

One of ordinary skill in this art would have been motivated to comprise in the plurality of parameters delivery priority because they are well-known features that can be used for analyzing the message (Chesnais: page 4, paragraph [0041]).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bright et al. (Patent No.: US 6,912,389) discloses interworking and interoperability of GPRS systems with systems of other technology families and Mooney (Patent No.: 6,577,723) discloses application of TCAP criteria in SCCP routing.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marivelisse Santiago-Cordero whose telephone number is (571) 272-7839. The examiner can normally be reached on Monday through Friday from 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MSC 2/8/06

MSC

2/8/06

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